

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

THOMAS M. EHLENBACH and RENAE  
L. EHLENBACH,

Plaintiff,

v.

UNITED STATES OF AMERICA, *and*  
*doing business as* CENTERS FOR  
DISEASE CONTROL AND  
PREVENTION, and ANGELA L. FUGO,  
*individually,*

Defendants.

Civil Action No. 08-1100

Chief Judge Donetta W. Ambrose  
Magistrate Judge Cathy Bissoon

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ANGELA L. FUGO, *individually,*

Cross Claimant,

v.

THOMAS M. EHLENBACH,

Cross Defendant.

**MEMORANDUM ORDER**


On September 29, 2008, this case was referred to United States Magistrate Judge Cathy Bissoon for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. §§ 636(b)(1)(A) and (B), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

On November 24, 2008, the magistrate judge issued a Report (Doc. 28) recommending that Defendant's Motion to Dismiss Complaint, or, In the Alternative, for Summary Judgment (Doc. 14) be denied without prejudice. Service of the Report and Recommendation was made on the parties, and no objections have been filed.

After a review of the pleadings and documents in the case, together with the Report and Recommendation, the following Order is entered:

**AND NOW**, on this 18<sup>th</sup> day of dec, 2008, **IT IS HEREBY ORDERED** that Defendant's Motion to Dismiss, or, In the Alternative, for Summary Judgment (Doc. 14) is **DENIED WITHOUT PREJUDICE**.

The Report and Recommendation of Magistrate Judge Bissoon dated November 24, 2008 is hereby adopted as the opinion of the District Court.

  
Donetta W. Ambrose  
Chief United States District Judge

cc (via email):

Dallas W. Hartman, Esq.  
Paul D. Kovac, Esq.  
Stephen J. Summers, Esq.